

REMARKS

Applicant would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe the subject matter which applicant regards as the invention.

The Examiner indicated that claim 11 contains allowable subject matter and would be allowable if rewritten in independent form. Applicant submits that the allowable status of claim 11 is unchanged by the present amendment and will, therefore, not be discussed further hereinafter.

The Examiner rejected claims 1, 2, 4, 5, 9, 13, and 16-19 under 35 U.S.C. 102(b) as being anticipated by Moore et al., U.S. Pat. Pub. No. 2002/017663. The Examiner's rejection is traversed for the following reason.

Applicant discloses a vehicle center console assembly that includes an enclosure, which is located between two passenger seats inside the vehicle. The enclosure defines a reconfigurable storage area and includes first and second spaced side walls, a front wall, a rear wall, a base wall and a lid pivotally attached to the rear wall. A flexible web is detachably affixed to the enclosure and segregates the storage area. Thus, the flexible web can be rearranged to thereby reconfigure the storage area.

Moore discloses a retractable device that can be arranged to compartmentalize a cargo area of a motor vehicle. The cargo area disclosed by Moore includes the traditional "trunk" spaces in a motor vehicle such as an automobile trunk, a pick-up truck bed, etc. Applicant notes that Moore in no way discloses where the cargo area

includes a pivotal lid or where the enclosure defining the storage area is located between two passenger seats.

Accordingly, with reference to claim 1, Moore does not teach “the enclosure further including...a lid pivotally attached to the rear wall” and “wherein the enclosure is located between two seats inside the vehicle.” Moore teaches a cargo area 12 adapted to receive a retractable device 10 that includes a housing 20. Referring to Figs. 2 and 3, the housing 20 includes a hinged-retractable panel 24 that is movable from a closed position to an open position. The device further includes partitions 28 made from a suitable netting material that further compartmentalizes the cargo area 12. The partition 28 attaches to a rear wall 18 of the cargo area 12 at one end and to the panel 24 at the other end thereby forming a compartmentalized storage area. Moore, however, does not disclose or suggest a lid to cover the cargo area or the compartmentalized storage area. Thus, Moore does not teach a lid.

Further, as previously mentioned, the cargo area disclosed by Moore includes the traditional “trunk” spaces in a motor vehicle such as an automobile trunk, a pick-up truck bed, etc., see paragraph [0025] of Moore. Thus, Moore does not teach where the cargo area (enclosure) is located between two passenger seats.

Based on the foregoing, it is apparent that Moore does not teach or suggest all the features of claim 1 and therefore cannot be cited as anticipating claim 1. Thus, reconsideration and withdrawal of the rejections of claim 1 based upon the Moore reference are hereby requested.

With reference to claim 2, Applicant notes that claim 2 has been cancelled.

With reference to claims 4, 5, 9 and 13, claims 4, 5, 9 and 13 depend either

directly or indirectly on claim 1, thus, all arguments pertaining to claim 1 are equally applicable to these claims and are herein incorporated by reference.

With reference to claim 16, Moore does not teach all the features of claim 16. More specifically, Moore does not teach "a vehicle center console assembly located between two passenger seats inside the vehicle...and a lid pivotally attached to the rear wall." The arguments presented above in regards to claim 1 are equally applicable to claim 16 and will not be repeated.

With reference to claims 17 and 18, claims 17 and 18 depend either directly or indirectly on claim 16, thus, all arguments pertaining to claim 16 are equally applicable to these claims and are herein incorporated by reference.

With reference to claim 19, Moore does not teach all the features of claim 19. More specifically, Moore does not teach "a passenger compartment...located between two passenger seats inside the vehicle." The arguments presented above in claim 1 pertaining to the location of the enclosure are equally applicable to claim 19 and will not be repeated.

The Examiner rejection of claim 3 as being unpatentable over Moore et al., U.S. Pat. Pub. No. 2002/017663 as applied to claim 2 in view of Wayne, U.S. Pat. No. 5,628,442 is moot insofar as claim 3 has been cancelled.

The Examiner rejected claims 6-8 and 14-15 under 35 U.S.C. 103(a) as being unpatentable over Moore et al., U.S. Pat. Pub. No. 2002/017663 as applied to claim 4 in view of Crago, U.S. Pat. No. 6,550,654. The Examiner's rejection is traversed for the following reason.

Applicant notes that claims 6-8 and 14-15 depend either directly or indirectly on

claim 1, thus, all arguments pertaining to claim 1 are equally applicable to these claims and are herein incorporated by reference.

Further, Applicant notes that Crago does not correct or eliminate the deficiencies of the primary reference, Moore, as they relate to claim 1. Crago discloses a cargo net assembly detachably mounted between a pair of seats in an automotive vehicle. Crago, however, does not teach an enclosure that defines a storage area where the enclosure includes side walls, a front wall, a rear wall, a base and a lid. Therefore, Applicant submits that claims 6-8 and 14-15 are allowable over the proposed combination of the references.

The Examiner rejected claims 10 and 12 under 35 U.S.C. 103(a) as being unpatentable over Moore et al., U.S. Pat. Pub. No. 2002/017663 as applied to claim 2 in view of Rider, U.S. Pat. No. 5,893,597. The Examiner's rejection is traversed for the following reason.

Applicant notes that claims 10 and 12 depend either directly or indirectly on claim 1, thus, all arguments pertaining to claim 1 are equally applicable to these claims and are herein incorporated by reference.

Further, Applicant notes that Rider does not correct or eliminate the deficiencies of the primary reference, Moore, as they relate to claim 1. Rider discloses a cargo net removably secured to the bed of a pickup truck. Rider, however, does not disclose that the bed of the pickup truck, which would be the enclosure in the present invention, includes a lid. Therefore, Applicant submits that claims 10 and 12 are allowable over the proposed combination of the references.

With respect to claim 12, Moore, Rider or the combination thereof do not teach

all the features of claim 12. More specifically, Moore, Rider or the combination thereof do not teach "a second configuration wherein: said first web edge is detachably affixed to a first row of receptacles on said first side wall and said second web edge is detachably affixed to an adjacent row of receptacles of said first side wall of said enclosure."

Referring to Fig. 13 of Moore, Moore shows two partitions 28. Each edge of each partition 28 is attached to a different sidewall 42, 42'. Fig. 13 does not illustrate that a first and second edge of the same partition 28 are attached to the same sidewall as defined in claim 12 of the present invention.

Referring to Fig. 1 of Rider, Rider shows a cargo net where one edge attaches to one side 100 of a pickup truck and the second edge attaches to the other side 101 of the pickup truck. Fig. 1 clearly shows that both edges of the cargo net are not attached to the same side as defined in claim 12 of the present invention.

Based on the disclosures of Moore and Rider, Applicant submits that it is apparent that Moore, Rider or the combination do not teach where the first and second web edges are attached to the same sidewall. Thus, Moore, Rider or the combination thereof do not teach all the features of claim 12. Therefore, reconsideration and withdrawal of the rejections of claim 12 based upon the Moore and the Rider reference are hereby requested.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 18-0160, our Order No. HRA-15305.

Respectfully submitted,

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